

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

NO. 2:02-cv-2633 BBD

SHELBY COUNTY, TENNESSEE;  
JOYCE AVERY, ACTING, MAYOR OF  
SHELBY COUNTY; MARK LUTTRELL,  
SHELBY COUNTY SHERIFF,

Defendants.

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JOINT MOTION OF THE PARTIES FOR ORDER OF FINAL DISMISSAL

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On August 13, 2002, the United States Department of Justice (the “United States”) filed a Complaint, and simultaneously, a Settlement Agreement with the Defendants which resolved the allegations giving rise to the Complaint pursuant to the Civil Rights of Institutionalized Persons Act of 1980 42 U.S.C. § 1997. The parties simultaneously filed a Joint Motion to Dismiss the case pursuant to Fed. R. Civ. P. 41(a)(2). On August 16, 2002, this Court ordered the case conditionally dismissed, placing this case on its inactive docket.

The parties have now agreed that final dismissal of this case is appropriate, based on the Defendants’ adequate compliance with the Settlement Agreement and the overall improved conditions at the Shelby County Jail.

Accordingly, the parties respectfully request that the Court enter the Order finally dismissing this case with prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Debra L. Fessenden, do hereby certify that a copy of the foregoing has been served electronically to Ms. Mary R. Bohan, U.S. Department of Justice, Civil Rights Division, Special Litigation Section, 950 Pennsylvania Avenue, N.W., Washington, DC 20530 on October 2009.

s/DEBRA

L. FESSENDEN